



THE CITY OF NEW YORK  
**LAW DEPARTMENT**

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August 12, 2017

**BY ECF**

Honorable Steven L. Tiscione  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Beauford, et al. v. City of New York, et al.  
13 CV 7054 (LDH) (ST)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and am the attorney assigned to represent defendants City of New York, and the attorney assigned to represent Defendants City of New York, Officer Benigno Gonzalez, Lt. Paul McKenna, Officer Brett Healy, Officer James Wilson, Sergeant Daniel Casella, Det. Collin Wilson and Officer Thomas Jurewicz (hereinafter collectively "Defendants") in the above-referenced matter. Defendants submit this letter as a joint request to respectfully request a 60-day extension of discovery, from August 29, 2017 to and including October 28, 2017. This is the second request for an extension of the discovery deadline. This extension should not affect other deadlines.

By way of background, Plaintiffs Anthony Beauford, Shauna Simmons, and Arthur Lawyer allege that, on May 11, 2013, at the apartment shared by Plaintiffs Beauford and Simmons (Plaintiff Beauford is the son of Plaintiff Simmons) at 80 Bush in Brooklyn, the individual defendants entered unlawfully, and subjected Plaintiffs, *inter alia*, to an unlawful search, false arrest and malicious prosecution. Plaintiffs also bring a Monell claim against the City.

There are several reasons for making this request. First, upon information and belief, Plaintiffs' counsel is currently on trial and will be on trial until the end of the month. Second, the undersigned will be out of state, and then out of country, beginning August 11 until August 25, 2017. Third, Plaintiff's counsel has indicated that he will need time for expert discovery, particularly in relation to Plaintiff Simmons and her alleged physical injuries, and therefore Defendants will likewise need to retain a rebuttal expert.

Defendants took the deposition of Plaintiff Anthony Beauford on August 10, 2017, and the parties are in the process of determining witness availability and scheduling depositions, as there are approximately nine depositions to be conducted. Since the matter has been transferred to the undersigned, the parties have continued to be engaged in the exchange of paper discovery, including Defendants' production of Plaintiff Simmons' medical records, the NYPD trial room decision related to the underlying CCRB investigation, and the audio files of same, as discussed at the settlement conference before Your Honor on April 20, 2017. The parties respectfully request additional time to conduct depositions and complete expert discovery.

For the foregoing reasons, Defendants respectfully request a 60-day extension of the discovery deadline, from August 29, 2017 to and including October 28, 2017.

Defendants thank the Court for its time and consideration in this regard.

Respectfully submitted,

/s/

Elizabeth Bardauskis  
*Assistant Corporation Counsel*  
Special Federal Litigation Division

cc: Robert Marinelli, Esq. (by ECF)  
*Attorney for Plaintiffs*